

## CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number \_\_\_\_\_

Meeting Type: Regular

Meeting Date: 9/10/2015

Action Requested By:  
Planning

Agenda Item Type  
Ordinance

Subject Matter:

Annexation of land.

Exact Wording for the Agenda:

Introduction of an ordinance concerning the annexation of land lying on the east side of U.S. Highway 231 South and on the north and south sides of George Chapman Drive.

**Note: If amendment, please state title and number of the original**

Item to be considered for: Introduction Unanimous Consent Required: No

Briefly state why the action is required; why it is recommended; what Council action will provide, allow and accomplish and; any other information that might be helpful.

13.42 acres.

Additional information is attached.

Associated Cost:

Budgeted Item: Not applicable

MAYOR RECOMMENDS OR CONCURS: Select...

Department Head:



Date: 9/2/2015

**ORDINANCE NO. 15-\_\_\_\_\_**

**WHEREAS**, Kenneth Larry Bingham, Elizabeth Bingham, and Atnip Design and Supply Center Inc, by Jerry Atnip, As its President, have petitioned the governing body of the City of Huntsville, Alabama, requesting that certain property or territory be annexed to the City of Huntsville, Alabama; and

**WHEREAS**, said petition contained the signatures of the owners of the property as the same is assessed for ad valorem tax purposes; and

**WHEREAS**, said property is contiguous to the present city limits of the City of Huntsville, Alabama, and does not lie within the corporate limits of any other municipality; and

**WHEREAS**, a map of said territory showing its relationship to the corporate limits of the City of Huntsville, Alabama, has been filed with the City Clerk-Treasurer; and

**WHEREAS**, it is the judgement and opinion of the City Council of the City of Huntsville, Alabama, that it is necessary and proper and in the public interest that said property be brought within the corporate limits of the City of Huntsville, Alabama;

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Huntsville, Alabama, as follows;

1. That the City Council of the City of Huntsville, Alabama hereby assents to the annexation of certain property to the City of Huntsville, Alabama, which said property as hereinabove referenced is more particularly described as follows:

All that part of Section 30, Township 2 South, Range 1 East, of the Huntsville Meridian, Madison County, Alabama, more particularly described as beginning at a point located at the southwest corner of said Section 30; said point is further described as the centerline of U.S. Highway 231 North; thence from the point of beginning and along said centerline Due North 1,252.98 feet to the point of true beginning; thence from the point of true beginning and continuing along said centerline Due North 1,122.48 feet; thence leaving said centerline South 89 degrees 56 minutes 00 seconds East 123.23 feet to a point located on the south right-of-way of Greenlawn Drive; thence along said right-of-way North 78 degrees 23 minutes 30 seconds East 16.84 feet; thence South 89 degrees 31 minutes 40 seconds East 34.34 feet; thence South 84 degrees 45 minutes 30 seconds East 27.40 feet; thence South 78 degrees 04 minutes 10 seconds East 27.40 feet; thence South 71 degrees 23 minutes 18 seconds East 27.40 feet; thence South 65 degrees 04 minutes 35 seconds East 214.59 feet; thence South 75 degrees 03 minutes 29 seconds East 63.39 feet; thence South 86 degrees 36 minutes 28 seconds East 63.39 feet; thence North 84 degrees 43 minutes 41 seconds East 31.73 feet;

**ORDINANCE NO. 15-**\_\_\_\_\_

thence North 77 degrees 30 minutes 40 seconds East 47.58 feet; thence North 69 degrees 26 minutes 36 seconds East 25.24 feet; thence leaving said right-of-way South 00 degrees 44 minutes 27 seconds West 775.29 feet to a point located on the north right-of-way of George Chapman Drive; thence along said right-of-way North 88 degrees 32 minutes 42 seconds West 518.96 feet; thence leaving said right-of-way South 00 degrees 36 minutes 08 seconds West 259.79 feet to a point; said point is further described as being located on the existing corporate limits of the City of Huntsville; thence along said existing limits North 89 degrees 19 minutes 27 seconds West 156.08 feet to the point of beginning and containing 13.42 acres, more or less.

2. That the corporate limits of the City of Huntsville, Alabama, are hereby extended and rearranged so as to embrace and include the hereinafter property as part of the corporate area of the City of Huntsville.

3. That this ordinance shall become effective upon its publication as required by law.

4. That the Mayor and City Clerk-Treasurer of the City of Huntsville, Alabama, are hereby authorized, requested and directed for and on behalf of the governing body of the City to file a description of the property or territory herein annexed in the Judge of Probate Office of Madison County.

**ADOPTED** this the \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
President or President Pro Tem of the  
City Council of the City of  
Huntsville, Alabama.

**APPROVED** this the \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Mayor of the City of Huntsville,  
Alabama

STATE OF ALABAMA  
COUNTY OF MADISON

PETITION FOR ANNEXATION TO THE CITY OF  
HUNTSVILLE, ALABAMA, UNDER ACT NO. 2228  
S.134, 1971 REGULAR SESSION

TO: The City Clerk-Treasurer of the City of Huntsville, Alabama

The undersigned, Kenneth Larry Bingham, Elizabeth Bingham, and Atnip Design and Supply Center Inc, by Jerry Atnip, As its President, hereby petitions the Mayor and City Council of the City of Huntsville, Alabama, to bring the hereinafter described property within the corporate limits of the City of Huntsville under the provisions of Act No. 2228, S. 134, of the 1971 Regular Session of the Legislature of Alabama. The undersigned respectfully requests that the property or territory hereinafter described be annexed to the City of Huntsville. We further certify that we have the right and authority to make and file this petition for annexation, that said property is contiguous to the existing corporate limits of the City of Huntsville, Alabama, which said City has a population of more than 2,000, and that said property does not lie within the corporate limits of any other municipality, and we do hereby respectfully petition the Mayor and City Council of the City of Huntsville to adopt an ordinance assenting to the annexation of said property to the City of Huntsville. We further certify that the property is assessed for ad valorem tax purposes in the names of Kenneth Larry Bingham, Elizabeth Bingham, and Atnip Design and Supply Center Inc.

All that part of Section 30, Township 2 South, Range 1 East, of the Huntsville Meridian, Madison County, Alabama, more particularly described as beginning at a point located at the southwest corner of said Section 30; said point is further described as the centerline of U.S. Highway 231 North; thence from the point of beginning and along said centerline Due North 1,252.98 feet to the point of true beginning; thence from the point of true beginning and continuing along said centerline Due North 1,122.48 feet; thence leaving said centerline South 89 degrees 56 minutes 00 seconds East 123.23 feet to a point located on the south right-of-way of Greenlawn Drive; thence along said right-of-way North 78 degrees 23 minutes 30 seconds East 16.84 feet; thence South 89 degrees 31 minutes 40 seconds East 34.34 feet; thence South 84 degrees 45 minutes 30 seconds East 27.40 feet; thence South 78 degrees 04 minutes 10 seconds East 27.40 feet; thence South 71 degrees 23 minutes 18 seconds East 27.40 feet; thence South 65 degrees 04 minutes 35 seconds

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Attached hereto marked Exhibit A is a map of said territory showing its relationship to the corporate limits of the City of Huntsville, which said map is further identified as being entitled "Atnip 2 Property to be Annexed."

IN WITNESS WHEREOF, the undersigned have set their hand and seal the date herein indicated.

PREPARED BY  
CITY OF HUNTSVILLE  
PLANNING DIVISION



Kenneth Larry Benjamin (SEAL)  
Signature of Owner

STATE OF ALABAMA

COUNTY OF MADISON

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that KENNETH LARRY BENJAMIN whose name is signed to the foregoing annexation petition and who is known to me, acknowledged before me on this date that, being informed of the contents of the within annexation petition, he/she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal of office, this the 1<sup>ST</sup> day of SEPTEMBER, 2015.

John M. Fulton  
NOTARY PUBLIC  
5-20-2019

\* \* \* \* \*

Elizabeth Benjamin (SEAL)  
Signature of Owner

STATE OF ALABAMA

COUNTY OF MADISON

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that ELIZABETH BENJAMIN whose name is signed to the foregoing annexation petition and who is known to me, acknowledged before me on this date that, being informed of the contents of the within annexation petition, he/she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal of office, this the 1<sup>ST</sup> day of SEPTEMBER, 2015.

John M. Fulton  
NOTARY PUBLIC  
5-20-2019

ATNIP DESIGN AND SUPPLY CENTER, INC

Robert D. Atnip VP. (SEAL)

By: Robert D. Atnip  
As its: Vice-President

STATE OF ALABAMA

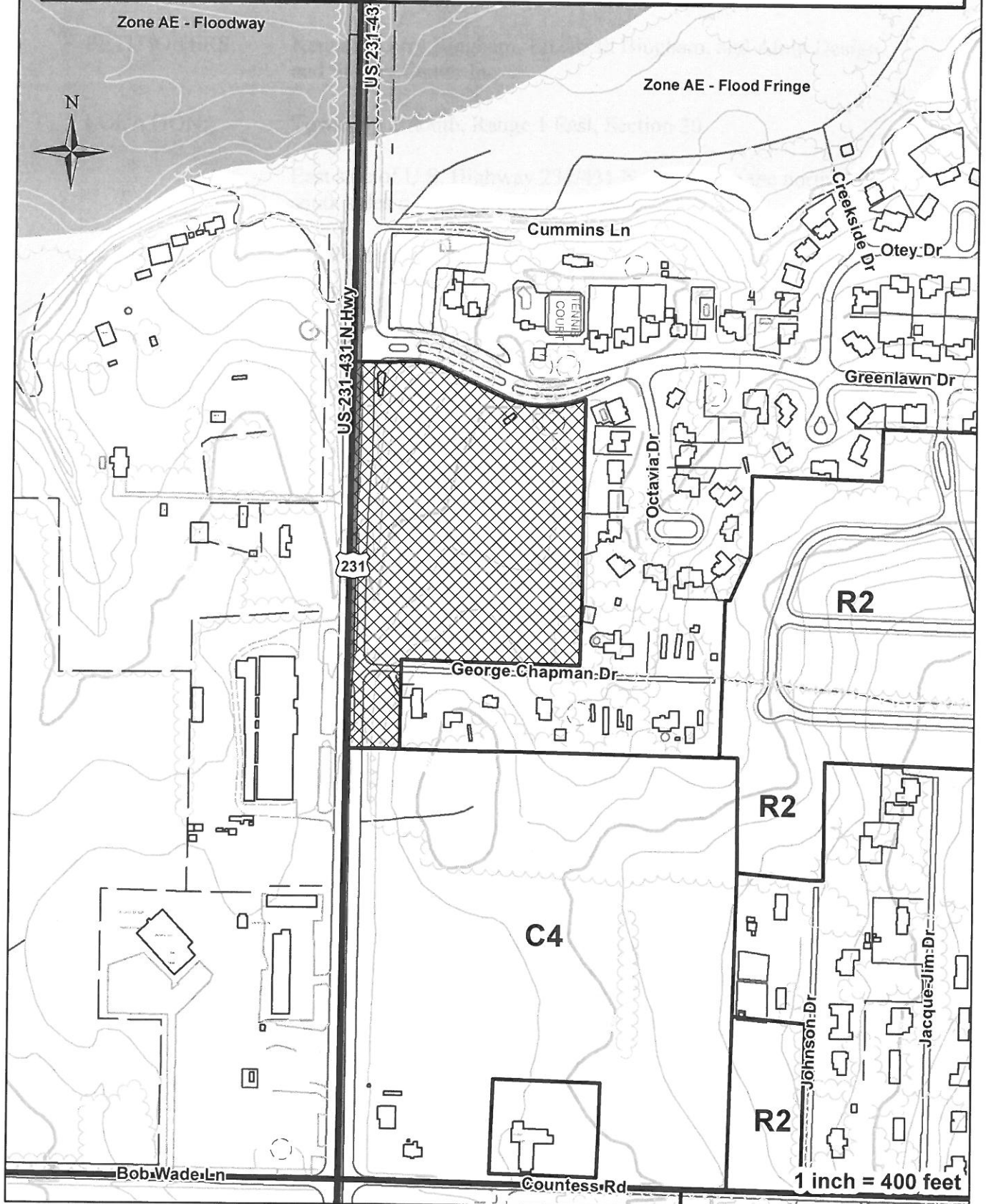
COUNTY OF MADISON

I, John M. Fulton, a Notary Public and for said County in said State, hereby certify that Robert D. Atnip whose name as Vice-President of the Atnip Design & Supply Center, Inc. a corporation, is signed to the foregoing conveyance and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, he, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation

Given under my hand and official seal of office, this the 15<sup>th</sup> day of SEPTEMBER 2015.

John M. Fulton  
NOTARY PUBLIC  
5-20-2019

# EXHIBIT A: ATNIP PROPERTY TO BE ANNEXED





## ANNEXATION GUIDELINES: ATNIP 2

1. Annexations that would fill in or make more regular the existing corporate limits should be strongly encouraged.

WOULD CONTINUE ONGOING ANNEXATIONS IN THIS AREA

2. The remaining tax islands should be annexed when ownership changes and redevelopment occurs....

NOT A TAX ISLAND

3. Annexations of land in subdivisions....

NOT PART OF A SUBDIVISION

4. Corridors are discouraged....

NOT A CORRIDOR

5. Point-to-point annexations should be discouraged....

NOT A POINT-TO-POINT CONNECTION

6. Owners living on land expected to be annexed within the ninety-day period preceding a municipal election....

NO MUNICIPAL ELECTION AT TIME OF ANNEXATION

7. Land which is known to be contaminated should not be annexed until such danger has been mitigated.

NO KNOWN CONTAMINATION

8. The annexation of land that would contribute to the city's economic development through an increase in taxes....

COMMERCIAL LAND

9. The city should require petitions for annexation referenda to satisfy additional conditions....

NOT A REFERENDA

10. City planners will explain to all annexation petitioners the policies under which services are provided.

POLICY STATEMENT SIGNED BY OWNERS; COPIES ATTACHED

**STATEMENT REGARDING  
PROVISION OF CITY SERVICES TO NEWLY ANNEXED LANDS**

City services will be provided to all newly annexed lands according to the same policies that already govern in Huntsville. This means that Huntsville police and fire departments will respond to calls; garbage and trash will be collected by city sanitation; and school children will attend city rather than county schools. Transportation for students attending the city schools will be the responsibility of their parents. All applicable city ordinances will be enforced including the implementation of zoning regulations. Please note that the National agency that established the rating schedule for fire insurance premiums (ISO) assigns a higher rate to property that is over 5 road miles from their responding fire station and/or over 1000 feet from a fire hydrant.

Water service is provided by Huntsville Utilities; however if the annexed land is already served by another water authority, the existing situation should be expected to continue until such time as development pressure or legal agreements between water authorities makes it feasible or possible for Huntsville Utilities to assume control of the water lines or extend new mains. The cost of main extensions usually are borne by the property owner.

Likewise, it has long been city policy to expand sanitary sewer service on a cost benefit basis. This policy applies to all land within the city regardless of its annexation date. In addition, the city has adopted a capital improvement plan to guide investment in infrastructure. In order for an area to be considered for road construction, drainage improvements, recreational or community facilities, new fire stations, or sanitary sewer extension, the area must be in the city and then must be prioritized according to need. Newly annexed land will be accorded the same consideration as other city lands.

Lastly, it is important to understand that those autonomous boards, agencies and utilities that have authority over the delivery of specific public services set their own policies and procedures.

\* \* \* \*

I have read the above statement governing the delivery of city services to lands annexed into the city of Huntsville, and I agree to these conditions as they may pertain to any of my lands that are annexed.

Petitioner *Kenneth Leroy Bingham* Date *8-27-15*

Petitioner *Elizabeth Briggs Bingham* Date *8-27-15*

**STATEMENT REGARDING  
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Lastly, it is important to understand that those autonomous boards, agencies and utilities that have authority over the delivery of specific public services set their own policies and procedures.

\* \* \* \*

I have read the above statement governing the delivery of city services to lands annexed into the city of Huntsville, and I agree to these conditions as they may pertain to any of my lands that are annexed.

Petitioner

Robert V. P.

Date

9/1/2015

Petitioner

Date